



# The New Jersey Maritime Pilot & Docking Pilot Commission

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June 12, 2007

Gary L. Halbert, Esq.  
Office of General Counsel  
National Transportation Safety Board  
490 L'Enfant Plaza East, S.W.  
6th Floor, Rooms 6321 to 6403  
Washington, DC 20594

Re: *I/M/O New Delhi Express*

Dear Mr. Halbert,

At the NTSB's May 30, 2007 meeting they adopted a report regarding the above referenced matter, which occurred on April 15, 2006. As the state agency responsible for licensing the Docking Pilot involved in this matter we have watched the NTSB investigation with much interest.

Now that the completion of your investigation has finally allowed us to access various primary data we are moving forward with our evaluation of the causes of this incident and any appropriate response. This agency has a long history of imposing safety and training requirements on pilots resulting from accident investigations. In fact, following the QEII incident south of Martha's Vineyard in 1993 the NTSB recommended bridge management resource training for pilots. Shortly thereafter, at the urging of this Commission and the New York Pilot Commission, the Sandy Hook pilots initiated a bridge management-training program for all of its members.

A review of the public docket indicates that a variety of information we deem necessary to conclude our investigation remains unavailable. In order to judge the performance of the pilots and to fully evaluate the bridge team performance we respectfully request that you provide us with the actual audio conversations between all parties involved. The transcripts, which are partially available on the public docket, do not suffice for this purpose. The transcripts starts mid way into the Kill Van Kull and in order to properly evaluate the incident it is our desire to review everything that occurred on the bridge from the time the docking pilot,

Capt. John Bates, entered it. Please advise what procedures need to be undertaken to obtain this and other relevant data.

Upon receipt of the voice recordings and a review of all of the balance of the available information this agency will prepare and issue a report evaluating Capt. Bates' performance during this matter.

While we do not have a full copy of the NTSB report at this time the recommendation included in the press release directed to us is very general and requires clarification if we are to meaningfully respond to it. Specifically, our preliminary review raises questions regarding what the specific failures were in bridge resource management techniques employed by the two pilots on the New Delhi Express that generated your recommendation. Was there a specific breakdown in bridge resource management related to communication, technology utilization or some other matter? To the extent that the actual problems identified by NTSB are known, our ability to address the concerns is greatly enhanced.

I believe it is important to point out to you and the full NTSB that both pilots possess bridge resource management certificates and training. Had the NTSB seen fit to contact this Commission (or the New York Pilot Commission) this fact would have been made known to them.

Be advised that we have employed the services of an expert to assist in the evaluation of the use of the ship's radar during the incident. Is there someone on your staff that he or the Commissioner investigating the accident can contact regarding the NTSB's view of the pilot's utilization of radar resources?

The above is required in order to effectively get at what lessons can be learned from this incident. The NTSB's probable cause finding regarding bridge management resource is, as discussed above, far too general and vague to be helpful to the Commission in its long-standing mission to ensure safe pilotage.

Finally I would ask that the NTSB reconsider its press release and the suggestion that there was a failure to abide by previously issued safety recommendations. This is incorrect as I previously pointed out. Both pilots had bridge resource management training and this is the first time that a recommendation was presented that it be done jointly. Once again, had the NTSB contacted either state's Commission prior to issuing its report you could have easily ascertained the actual facts regarding bridge resource management training and state licensed pilots in this port.

It is respectfully requested that you include this correspondence in the NTSB's official public record in this matter.

In the event you have any questions, please contact me. I will be certain to keep you advised as to the outcome of our investigation. Kindly provide the

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information requested at your earliest convenience so that our investigation may proceed expeditiously.

I remain,



Charles A. Dicata  
Executive Director

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Cc: Mr. Mark V. Rosenker, Chairman, NTSB  
Mr. Robert L. Sumwalt, Vice Chairman, NTSB  
Ms. Deborah A.P. Hersman, Board Member, NTSB  
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